

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD SNOWDEN,

Defendant,

and

MACMILLAN PUBLISHING GROUP, LLC
d/b/a HENRY HOLT AND COMPANY, *et*
al.,

Relief-Defendants.

Case No. 1:19-cv-1197-LO-TCB

**DECLARATION OF LAWRENCE
S. LUSTBERG IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

I, Lawrence S. Lustberg, in accordance with 28 U.S.C. §1746 declare as follows:

1. I am an attorney at law in the States of New Jersey and New York and have been admitted *pro hac vice* before this Court. I am the Co-Chair of Commercial & Criminal Litigation at Gibbons P.C., and Director of the Firm's John J. Gibbons Fellowship in Public Interest & Constitutional Law; I am one of the attorneys for Defendant Edward Snowden in this matter. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called to do so.

2. I submit this declaration in support of Defendant's Opposition to Plaintiff's Motion for Partial Summary Judgment.

3. Filed as Exhibits 1-16 attached to Defendant's Opposition to Plaintiff's Motion for Partial Summary Judgment, are true and correct copies of the following documents, or true and correct copies of excerpts of such documents:

No.	Exhibit
1	Glenn Greenwald, <i>Some Facts About How NSA Stories Are Reported</i> , Intercept, Mar. 23, 2014, https://theintercept.com/2014/03/23/facts-nsa-stories-reported
2	Barton Gellman, <i>Secrecy, Security and Self-Government: An Argument For Unauthorized Disclosures</i> , Century Found., Sept. 3, 2013, https://tcf.org/content/commentary/secrecy-security-and-self-government-an-argument-for-unauthorized-disclosures
3	Joe Penney et al., <i>C.I.A. Drone Mission, Curtailed by Obama, Is Expanded in Africa Under Trump</i> , N.Y. Times, Sept. 9, 2018, https://nyti.ms/2O43rDA
4	@realDonaldTrump, Twitter (July 24, 2017, 7:23 PM), https://twitter.com/realDonaldTrump/status/889672374458646528
5	Ellen Nakashima & Julie Tate, <i>Architects of CIA Interrogation Program Settle Lawsuit Brought on Behalf of Brutalized Detainees</i> , Wash. Post, Aug. 17, 2017, http://wapo.st/2iaGTpu
6	Steven Aftergood, <i>Leaks of Classified Info Surge Under Trump</i> , Secrecy News (Apr. 8, 2019), https://fas.org/blogs/secrecy/2019/04/leaks-surge
7	Michael Isikoff & Michael B. Kelly, <i>In Exile, Edward Snowden Rakes in Speaking Fees While Hoping for a Pardon</i> , Yahoo! News, Aug. 11, 2016, https://www.yahoo.com/news/edward-snowden-making-most-digital-000000490.html
8	Amy Davidson Sorkin, <i>Q. & A.: Ali Soufan</i> , New Yorker, May 16, 2012, https://www.newyorker.com/news/amy-davidson/q-a-ali-soufan
9	Greg Miller & Julie Tate, <i>CIA Probes Publication Review Board Over Allegations of Selective Censorship</i> , Wash. Post, May 31, 2012, http://wapo.st/2iLpUuP
10	Max Fisher, <i>Evo Morales's Controversial Flight Over Europe, Minute by Heavily Disputed Minute</i> , Wash. Post, July 3, 2013, https://wapo.st/2pvpdt4
11	Criminal Complaint, <i>United States v. Snowden</i> , No. 1:13-CR-265 (CMH) (E.D. Va. June 14, 2013), available at https://wapo.st/37iMSOv
12	Bradford Richardson, <i>Ex-CIA Director: Snowden Should Be 'Hanged' for Paris</i> , The Hill (Nov. 19, 2015), https://thehill.com/blogs/blog-briefing-room/260817-ex-cia-director-snowden-should-be-hanged-for-paris
13	Joe Mullin, <i>Trump's Pick for CIA Director Has Called for Snowden's Execution</i> , Ars Technica, Nov. 18, 2016, https://arstechnica.com/tech-policy/2016/11/trumps-pick-for-cia-director-has-called-for-snowdens-execution
14	Benny Johnson, <i>America's Spies Want Edward Snowden Dead</i> , BuzzFeed News, Jan. 16, 2014, https://www.buzzfeednews.com/article/bennyjohnson/americas-spies-want-edward-snowden-dead
15	Declaration of Edward Snowden

I declare under penalty of perjury that the foregoing is true and correct. Executed on
November 20, 2019.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Lawrence S. Lustberg

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of November, 2019, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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